

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL RAY CHRISTOPHER
COLE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DEBBIE LYNN PIOTOWSKI,

Respondent-Appellant,

and

MICHAEL COLE, SR.,

Respondent.

In the Matter of MICHAEL RAY CHRISTOPHER
COLE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL COLE, SR.,

Respondent-Appellant,

and

DEBBIE LYNN PIOTOWSKI,

Respondent.

UNPUBLISHED

July 15, 2003

No. 245336

Jackson Circuit Court

Family Division

LC No. 01-003423-NA

No. 245337

Jackson Circuit Court

Family Division

LC No. 01-003423-NA

Before: Neff, P.J., and Fort Hood and Borrello, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to their minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

On their respective appeals, respondents each argue the trial court erred in finding that the statutory grounds for termination were established by clear and convincing evidence and that termination of their parental rights was in the child's best interests. We disagree.

We review the trial court's findings of fact for clear error. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A decision to terminate parental rights is clearly erroneous if, despite sufficient supporting evidence, we are left with a definite a firm conviction that a mistake has been made after considering the entire evidence. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

In the instant case, the trial court assumed jurisdiction over the child because the evidence showed respondents' home was an unfit place for the child to reside in. Respondent Piotowski had a long-term addiction to prescription medications, and respondent Cole, who also abused legal and illegal drugs, continually entrusted the child to respondent Piotowski, notwithstanding her addiction.

At the termination hearing, the court found it "clear that the conditions that led to adjudication continue to exist," and that there was no reasonable likelihood that the situation would improve. Both respondents failed to comply with service plan requirements for attending parenting classes, receiving therapy, and submitting negative drug screens.

Contrary to her argument, the evidence did not show that respondent Piotowski only used medications for which she had a valid prescription. She tested positive for marijuana and other substances for which she did not present current prescriptions, and she was convicted of prescription fraud. Also, respondent Cole tested positive for many of the same substances without a prescription, suggesting that respondents were sharing drugs. In addition, respondents sometimes failed to appear for scheduled drug tests, and, when they did appear, they often engaged in suspicious behavior that led laboratory officials to believe they were smuggling in urine or otherwise trying to manipulate the results.

In light of the seriousness of the problems and the length of time respondent Piotowski has been addicted to drugs and the failure of both respondents to benefit from services, the trial court did not clearly err by finding that the statutory grounds for termination were established by clear and convincing evidence. MCL 712A.19b(3)(c). Further, the evidence did not show that termination of respondents' parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, *supra* at 356-357.

Affirmed.

/s/ Janet T. Neff

/s/ Karen M. Fort Hood

/s/ Stephen L. Borrello